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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation  
Against:

Case No. 2004-163

**DEBRA LYNN LIONUDAKIS MCDOWELL**  
aka: DEBRA LYNN LIONUDAKIS  
4048 Hennings Drive  
Modesto, California 95356

Registered Nurse License No. 417637

Respondent

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**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the  
Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 24, 2008.

It is so ORDERED July 24, 2008.

*LaTranene W Tate*

FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN, JR., Attorney General  
of the State of California  
2 JESSICA M. AMGWERD, State Bar No. 155757  
Deputy Attorney General  
3 California Department of Justice  
1300 I Street, Suite 125  
4 P.O. Box 944255  
Sacramento, CA 94244-2550  
5 Telephone: (916) 324-5393  
Facsimile: (916) 324-5567  
6

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation  
Against:

Case No. 2004-163

12 **DEBRA LYNN LIONUDAKIS MCDOWELL**  
13 aka: DEBRA LYNN LIONUDAKIS  
4048 Hennings Drive  
14 Modesto, California 95356

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Registered Nurse License No. 417637

16  
17 Respondent  
18

19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to  
20 the above-entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Complainant Ruth Ann Terry, M.P.H., R.N., is the Executive Officer of  
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
24 represented in this matter by Edmund G. Brown, Jr., Attorney General of the State of California,  
25 by Jessica M. Amgwerd, Deputy Attorney General.

26 2. Respondent Debra Lynn McDowell, Registered Nurse license No.  
27 417637, is not represented by counsel.

28 3. On or about August 31, 1987, the Board of Registered Nursing issued

1 Registered Nurse License No. 417637 to Debra Lynn McDowell, aka Debra Lynn Lionudakis  
2 (Respondent).

3  
4 **JURISDICTION**

5 4. Petition to Revoke Probation, Case No. 2004-163, was filed before the  
6 Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending  
7 against Respondent. The Petition to Revoke Probation, and all other statutorily required  
8 documents were properly served on Respondent on October 29, 2007. Respondent timely filed  
9 her Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke  
10 Probation No. 2004-163 is attached as exhibit A and incorporated herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and  
13 understands the charges and allegations in Petition to Revoke Probation, Case No. 2004-163.  
14 Respondent has also carefully read, fully discussed with counsel, and understands the effects of  
15 this Stipulated Settlement and Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the  
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
18 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
19 the right to present evidence and to testify on her own behalf; the right to the issuance of  
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
21 reconsideration and court review of an adverse decision; and all other rights accorded by the  
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
24 each and every right set forth above.

25 **CULPABILITY**

26 8. Respondent admits the truth of each and every charge and allegation in  
27 Petition to Revoke Probation No. 2004-163.

28 9. Respondent agrees that her Registered Nurse License is subject to

1 discipline and she agrees to be bound by the Board of Registered Nursing's imposition of  
2 discipline as set forth in the Disciplinary Order below.

3 ///

4 **RESERVATION**

5 10. The admissions made by Respondent herein are only for the purposes of  
6 this proceeding, or any other proceedings in which the Board of Registered Nursing or other  
7 professional licensing agency is involved, and shall not be admissible in any other criminal or  
8 civil proceeding.

9 **CONTINGENCY**

10 11. This stipulation shall be subject to approval by the Board of Registered  
11 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the  
12 Board of Registered Nursing may communicate directly with the Board regarding this stipulation  
13 and settlement, without notice to or participation by Respondent. By signing the stipulation,  
14 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
15 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
16 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
17 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
18 between the parties, and the Board shall not be disqualified from further action by having  
19 considered this matter.

20 12. The parties understand and agree that facsimile copies of this Stipulated  
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
22 force and effect as the originals.

23 13. In consideration of the foregoing admissions and stipulations, the parties  
24 agree that the Board may, without further notice or formal proceeding, issue and enter the  
25 following Disciplinary Order:

26 **DISCIPLINARY ORDER**

27 **IT IS HEREBY ORDERED** that Registered Nurse License No. 417637 issued to  
28 Respondent Debra Lynn McDowell (Respondent) is revoked. However, the revocation is stayed

1 and Respondent is placed on probation for three (3) years on the following terms and conditions.

2           **Severability Clause.** Each condition of probation contained herein is a separate  
3 and distinct condition. If any condition of this Order, or any application thereof, is declared  
4 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
5 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
6 and enforceable to the fullest extent permitted by law.

7           1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
8 A full and detailed account of any and all violations of law shall be reported by Respondent to  
9 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
10 compliance with this condition, Respondent shall submit completed fingerprint forms and  
11 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
12 as part of the licensure application process.

13           **Criminal Court Orders:** If Respondent is under criminal court orders, including  
14 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
15 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

16           2.       **Comply with the Board's Probation Program.** Respondent shall fully  
17 comply with the conditions of the Probation Program established by the Board and cooperate  
18 with representatives of the Board in its monitoring and investigation of the Respondent's  
19 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
20 within no more than 15 days of any address change and shall at all times maintain an active,  
21 current license status with the Board, including during any period of suspension.

22           Upon successful completion of probation, Respondent's license shall be fully  
23 restored.

24           3.       **Report in Person.** Respondent, during the period of probation, shall  
25 appear in person at interviews/meetings as directed by the Board or its designated  
26 representatives.

27           4.       **Residency, Practice, or Licensure Outside of State.** Periods of  
28 residency or practice as a registered nurse outside of California shall not apply toward a reduction

1 of this probation time period. Respondent's probation is tolled, if and when he resides outside of  
2 California. Respondent must provide written notice to the Board within 15 days of any change  
3 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
4 returning to practice in this state.

5 Respondent shall provide a list of all states and territories where she has ever been  
6 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
7 provide information regarding the status of each license and any changes in such license status  
8 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
9 new nursing license during the term of probation.

10 5. **Submit Written Reports.** Respondent, during the period of probation,  
11 shall submit or cause to be submitted such written reports/declarations and verification of actions  
12 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
13 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
14 Program. Respondent shall immediately execute all release of information forms as may be  
15 required by the Board or its representatives.

16 Respondent shall provide a copy of this Decision to the nursing regulatory agency  
17 in every state and territory in which she has a registered nurse license.

18 6. **Function as a Registered Nurse.** Respondent, during the period of  
19 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
20 hours per week for 6 consecutive months or as determined by the Board.

21 For purposes of compliance with the section, "engage in the practice of registered  
22 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
23 work in any non-direct patient care position that requires licensure as a registered nurse.

24 The Board may require that advanced practice nurses engage in advanced practice  
25 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
26 Board.

27 If Respondent has not complied with this condition during the probationary term,  
28 and Respondent has presented sufficient documentation of his good faith efforts to comply with

1 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
2 grant an extension of Respondent's probation period up to one year without further hearing in  
3 order to comply with this condition. During the one year extension, all original conditions of  
4 probation shall apply.

5           **7. Employment Approval and Reporting Requirements.** Respondent  
6 shall obtain prior approval from the Board before commencing or continuing any employment,  
7 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
8 performance evaluations and other employment related reports as a registered nurse upon request  
9 of the Board.

10           Respondent shall provide a copy of this Decision to his employer and immediate  
11 supervisors prior to commencement of any nursing or other health care related employment.

12           In addition to the above, Respondent shall notify the Board in writing within  
13 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
14 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
15 terminated or separated, regardless of cause, from any nursing, or other health care related  
16 employment with a full explanation of the circumstances surrounding the termination or  
17 separation.

18           **8. Supervision.** Respondent shall obtain prior approval from the Board  
19 regarding Respondent's level of supervision and/or collaboration before commencing or  
20 continuing any employment as a registered nurse, or education and training that includes patient  
21 care.

22           Respondent shall practice only under the direct supervision of a registered nurse  
23 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
24 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
25 are approved.

26           Respondent's level of supervision and/or collaboration may include, but is not  
27 limited to the following:

28           (a) Maximum - The individual providing supervision and/or collaboration is

1 present in the patient care area or in any other work setting at all times.

2 (b) Moderate - The individual providing supervision and/or collaboration is in  
3 the patient care unit or in any other work setting at least half the hours Respondent works.

4 (c) Minimum - The individual providing supervision and/or collaboration has  
5 person-to-person communication with Respondent at least twice during each shift worked.

6 (d) Home Health Care - If Respondent is approved to work in the home health  
7 care setting, the individual providing supervision and/or collaboration shall have person-to-  
8 person communication with Respondent as required by the Board each work day. Respondent  
9 shall maintain telephone or other telecommunication contact with the individual providing  
10 supervision and/or collaboration as required by the Board during each work day. The individual  
11 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
12 site visits to patients' homes visited by Respondent with or without Respondent present.

13 9. **Employment Limitations.** Respondent shall not work for a nurse's  
14 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
15 traveling nurse, or for an in-house nursing pool.

16 Respondent shall not work for a licensed home health agency as a visiting nurse  
17 unless the registered nursing supervision and other protections for home visits have been  
18 approved by the Board. Respondent shall not work in any other registered nursing occupation  
19 where home visits are required.

20 Respondent shall not work in any health care setting as a supervisor of registered  
21 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
22 nurses and/or unlicensed assistive personnel on a case-by-case basis.

23 Respondent shall not work as a faculty member in an approved school of nursing  
24 or as an instructor in a Board approved continuing education program.

25 Respondent shall work only on a regularly assigned, identified and predetermined  
26 worksite(s) and shall not work in a float capacity. If Respondent is working or intends to work in  
27 excess of 40 hours per week, the Board may request documentation to determine whether there  
28 should be restrictions on the hours of work.



1                   10.     **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
2 enroll and successfully complete a course(s) relevant to nursing practice issues set forth in  
3 Petition to Revoke Probation No. 2004-163, and the practice of registered nursing. Such  
4 coursework shall be successfully completed within a time frame determined by the Board. At her  
5 own expense, an additional course(s) may be required during the three-year probation term. Such  
6 additional coursework shall be relevant to the practice of registered nursing. The course(s) shall  
7 be successfully completed within a time frame determined by the Board, but no later than six  
8 months prior to the end of the probation term.

9                   Respondent shall obtain prior approval from the Board before enrolling in the  
10 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
11 completion for the required course(s). The Board shall return the original documents to  
12 Respondent after photocopying them for its records.

13                   11.     **Violation of Probation.** If Respondent violates the conditions of her  
14 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
15 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
16 license.

17                   If during the period of probation, an accusation or petition to revoke probation has  
18 been filed against Respondent's license or the Attorney General's Office has been requested to  
19 prepare an accusation or petition to revoke probation against Respondent's license, the  
20 probationary period shall automatically be extended and shall not expire until the accusation or  
21 petition has been acted upon by the Board.

22                   12.     **License Surrender.** During Respondent's term of probation, if she ceases  
23 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
24 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
25 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
26 take any other action deemed appropriate and reasonable under the circumstances, without  
27 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
28 will no longer be subject to the conditions of probation.

1 Surrender of Respondent's license shall be considered a disciplinary action and  
2 shall become a part of Respondent's license history with the Board. A registered nurse whose  
3 license has been surrendered may petition the Board for reinstatement no sooner than the  
4 following minimum periods from the effective date of the disciplinary decision:

5 (1) Two years for reinstatement of a license that was surrendered for any  
6 reason other than a mental or physical illness; or

7 (2) One year for a license surrendered for a mental or physical illness.

8 13. **Physical Examination.** Within 45 days of the effective date of this  
9 Decision, Respondent, at Respondent's expense, shall have a licensed physician, nurse  
10 practitioner, or physician assistant, who is approved by the Board before the assessment is  
11 performed, submit an assessment of the Respondent's physical condition and capability to  
12 perform the duties of a registered nurse. Such an assessment shall be submitted in a format  
13 acceptable to the Board. If medically determined, a recommended treatment program will be  
14 instituted and followed by the Respondent with the physician, nurse practitioner, or physician  
15 assistant providing written reports to the Board on forms provided by the Board.

16 If Respondent is determined to be unable to practice safely as a registered nurse,  
17 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
18 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
19 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
20 shall immediately cease practice and shall not resume practice until notified by the Board.  
21 During this period of suspension, Respondent shall not engage in any practice for which a license  
22 issued by the Board is required until the Board has notified Respondent that a medical  
23 determination permits Respondent to resume practice. This period of suspension will not apply  
24 to the reduction of this probationary time period.

25 If Respondent fails to have the above assessment submitted to the Board within  
26 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
27 practice until notified by the Board. This period of suspension will not apply to the reduction of  
28 this probationary time period. The Board may waive or postpone this suspension only if

1 significant, documented evidence of mitigation is provided. Such evidence must establish good  
2 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
3 provided. Only one such waiver or extension may be permitted.

4                   14.     **Participate in Treatment/Rehabilitation Program for Chemical**  
5 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
6 period or shall have successfully completed prior to commencement of probation a Board-  
7 approved treatment/rehabilitation program of at least six months duration. As required, reports  
8 shall be submitted by the program on forms provided by the Board. If Respondent has not  
9 completed a Board-approved treatment/rehabilitation program prior to commencement of  
10 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
11 a program. If a program is not successfully completed within the first nine months of probation,  
12 the Board shall consider Respondent in violation of probation.

13                   Based on Board recommendation, each week Respondent shall be required to  
14 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
15 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
16 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
17 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
18 such attendance to the Board during the entire period of probation. Respondent shall continue  
19 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
20 mental health examiner and/or other ongoing recovery groups.

21                   15.     **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
22 shall completely abstain from the possession, injection or consumption by any route of all  
23 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when  
24 the same are ordered by a health care professional legally authorized to do so as part of  
25 documented medical treatment. Respondent shall have sent to the Board, in writing and within  
26 fourteen (14) days, by the prescribing health professional, a report identifying the medication,  
27 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the  
28 medication will no longer be required, and the effect on the recovery plan, if appropriate.

1           Respondent shall identify for the Board a single physician, nurse practitioner or  
2 physician assistant who shall be aware of Respondent's history of substance abuse and will  
3 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
4 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
5 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
6 condition. If any substances considered addictive have been prescribed, the report shall identify a  
7 program for the time limited use of any such substances.

8           The Board may require the single coordinating physician, nurse practitioner, or  
9 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
10 addictive medicine.

11           **16. Submit to Tests and Samples.** Respondent, at her expense, shall  
12 participate in a random, biological fluid testing or a drug screening program which the Board  
13 approves. The length of time and frequency will be subject to approval by the Board.  
14 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
15 number at all times. Respondent shall also ensure that messages may be left at the telephone  
16 number when Respondent is not available and ensure that reports are submitted directly by the  
17 testing agency to the Board, as directed. Any confirmed positive finding shall be reported  
18 immediately to the Board by the program and Respondent shall be considered in violation of  
19 probation.

20           In addition, Respondent, at any time during the period of probation, shall fully  
21 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
22 tests and samples as the Board or its representatives may require for the detection of alcohol,  
23 narcotics, hypnotics, dangerous drugs, or other controlled substances.

24           If Respondent has a positive drug screen for any substance not legally authorized  
25 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
26 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent  
27 from practice pending the final decision on the petition to revoke probation or the accusation.  
28 This period of suspension will not apply to the reduction of this probationary time period.

1           If Respondent fails to participate in a random, biological fluid testing or drug  
2 screening program within the specified time frame, Respondent shall immediately cease practice  
3 and shall not resume practice until notified by the Board. After taking into account documented  
4 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
5 Board may suspend Respondent from practice pending the final decision on the petition to  
6 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
7 this probationary time period.

8           **17. Mental Health Examination.** Respondent shall, within 45 days of the  
9 effective date of this Decision, have a mental health examination including psychological testing  
10 as appropriate to determine Respondent's capability to perform the duties of a registered nurse.  
11 The examination will be performed by a psychiatrist, psychologist or other licensed mental health  
12 practitioner approved by the Board. The examining mental health practitioner will submit a  
13 written report of that assessment and recommendations to the Board. All costs are the  
14 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
15 result of the mental health examination will be instituted and followed by Respondent.

16           If Respondent is determined to be unable to practice safely as a registered nurse,  
17 the licensed mental health care practitioner making this determination shall immediately notify  
18 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
19 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
20 practice and may not resume practice until notified by the Board. During this period of  
21 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
22 is required, until the Board has notified Respondent that a mental health determination permits  
23 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
24 probationary time period.

25           If Respondent fails to have the above assessment submitted to the Board within  
26 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
27 practice until notified by the Board. This period of suspension will not apply to the reduction of  
28 this probationary time period. The Board may waive or postpone this suspension only if

1 significant, documented evidence of mitigation is provided. Such evidence must establish good  
2 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
3 provided. Only one such waiver or extension may be permitted.

4 ACCEPTANCE

5 I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand  
6 the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated  
7 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound  
8 by the Decision and Order of the Board of Registered Nursing.

9 DATED: 3-26-08

10  
11 Debra Lynn McDowell  
12 DEBRA LYNN MCDOWELL,

13 Respondent

14 ENDORSEMENT

15  
16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted  
17 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

18 DATED: ~~3-26-08~~ 4-7-08

19  
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21  
22 EDMUND G. BROWN, JR., Attorney General  
of the State of California

23 Jessica M. Amgwerd  
24 JESSICA M. AMGWERD  
25 Deputy Attorney General

26 Attorneys for Complainant  
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**Exhibit A**  
**Petition to Revoke Probation No. 2004-163**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 JESSICA M. AMGWERD, State Bar No. 155757  
Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5393  
Facsimile: (916) 324-5567

7 Attorneys for Complainant  
8

9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke Probation  
Against:

Case No. 2004-163

13 **DEBRA LYNN LIONUDAKIS MCDOWELL, AKA**  
14 **DEBRA LYNN LIONUDAKIS**  
4048 Hennings Drive  
15 Modesto, California 95356

**PETITION TO REVOKE  
PROBATION**

16 Registered Nurse License No. 417637

17 Respondent.  
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Petition to Revoke Probation solely in her official  
22 capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer  
23 Affairs.

24 **Registered Nurse License**

25 2. On or about August 31, 1987, the Board of Registered Nursing issued  
26 Registered Nurse License No. 417637 to Debra Lynn Lionudakis, also known as Debra Lynn  
27 Lionudakis McDowell ("Respondent"). The license was in effect at all times relevant to the  
28 charges brought herein and will expire on February 28, 2009, unless renewed.



1                   **Prior Discipline**

2                   3.       On December 31, 2003, the Board filed a disciplinary action against  
3 Respondent, entitled "In the Matter of the Accusation Against Debra Lynn McDowell aka Debra  
4 Lynn Lionudakis," Accusation No. 2004-163. On September 17, 2004, the Board issued a  
5 decision, effective October 17, 2004, in which Respondent's Registered Nurse License No.  
6 417637 was revoked. However, the revocation was stayed and Respondent's license was placed  
7 on probation for a period of three (3) years with certain terms and conditions. A copy of that  
8 decision is attached as **Exhibit A** and is incorporated by reference.

9                   4.       Grounds exist for revoking the probation and reimposing the order of  
10 revocation of Respondent's Registered Nurse License No. 417637. Condition 12 of the  
11 Stipulation in Settlement and Decision states, in pertinent part:

12                         If Respondent violates that conditions of her probation, the Board after  
13 giving the Respondent notice and an opportunity to be heard, may set aside the  
14 stay order and impose the stayed discipline (revocation/suspension) of the  
Respondent's license.

15                         If during the period of probation, an accusation or petition to revoke  
16 probation has been filed against Respondent's license or the Attorney General's  
17 Office has been requested to prepare an accusation or petition to revoke probation,  
the probationary period shall automatically be extended and shall not expire until  
the accusation or petition has been acted upon by the Board.

18                   5.       Respondent violated the Probation Program, as set forth in the following  
19 paragraphs:

20                                 **FIRST CAUSE TO REVOKE PROBATION**

21                         **(Failure to Abstain from the Use of Psychotropic [Mood-Altering] Drugs)**

22                   6.       At all times after the effective date of Respondent's probation, Condition  
23 16, stated:

24                         Respondent shall completely abstain from the possession, injection or  
25 consumption by any route of all psychotropic (mood altering) drugs, including  
26 alcohol, except when the same are ordered by a health care professional legally  
27 authorized to do so as part of documented medical treatment. Respondent shall  
28 have sent to the Board, in writing and within fourteen (14) days, by the  
prescribing health professional, a report identifying the medication, dosage, the  
date the medication is prescribed, respondent's prognosis, the date the medication  
will no longer be required, and the effect on the recovery plan, if appropriate.

1 Respondent shall identify for the Board a single physician, nurse  
2 practitioner or physician assistant who shall be aware of respondent's history of  
3 substance abuse and will coordinate and monitor any prescriptions for respondent  
4 for dangerous drugs, controlled substances or mood altering drugs. The  
5 coordinating physician, nurse practitioner or physician assistant shall report to the  
6 Board on a quarterly basis respondent's compliance with this condition. If any  
7 substances considered addictive have been prescribed, the report shall identify a  
8 program for the time limited use of any such substances.

9 The Board may require the single coordinating physician, nurse  
10 practitioner or physician assistant to be a specialist in addictive medicine or to  
11 consult with a specialist in addictive medicine.

12 7. Respondent's probation is subject to revocation because she failed to  
13 comply with Probation Condition 16, referenced above. The facts and circumstances regarding  
14 this violation are as follows:

15 a. Respondent tested positive for controlled substances on June 23, 2005;  
16 August 3, 2005; June 7, 2006; and June 8, 2006. Further, Respondent failed to provide the Board  
17 with notes and/or prescriptions from her Daryl Wein, P.A., in a timely manner, for the various  
18 drugs.

19 b. On February 18, 2004, Respondent entered a Pain Management  
20 Agreement, attached hereto as **Exhibit B**, with Daryl Wein, Respondent's physician's assistant at  
21 Kaiser. Pursuant to that agreement, Respondent agreed not to obtain or attempt to obtain any  
22 controlled substances, controlled stimulants, or antianxiety medicines from any health care  
23 professional other than Daryl Wein, P.A.. Respondent violated the agreement by obtaining  
24 Acetaminophen/Codeine on December 31, 2005, from Dr. Degamo; Acetaminophen/Codeine on  
25 February 8, 2006, and October 10, 2006, from Dr. Acuman; Lorazepam on April 27, 2007, from  
26 Dr. Madayag; and, Morphine Sulfate on April 27, 2007, from Dr. Madayag.

27 c. Further, pursuant to the Pain Management Agreement, Respondent agreed  
28 to only use the pharmacy at Kaiser on Dale Road in Modesto, California; however, on  
February 8, 2006, Respondent obtained Acetaminophen/Codeine at a Walgreens Pharmacy in  
Modesto.

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1 **SECOND CAUSE TO REVOKE PROBATION**

2 **(Failure to Comply with the Probation Program)**

3 8. At all times after the effective date of Respondent's probation, Condition 2  
4 stated:

5 Respondent shall fully comply with the terms and conditions of the  
6 Probation Program established by the Board and cooperate with representatives of  
7 the Board in its monitoring and investigation of the Respondent's compliance  
8 with the Probation Program. Respondent shall inform the Board in writing within  
no more than 15 days of any address change and shall at all times maintain an  
active, current license status with the Board, including during any period of  
suspension.

9 9. Respondent's probation is subject to revocation because she failed to  
10 comply with Probation Condition 2, referenced above. The facts and circumstances regarding  
11 this violation are that Respondent failed to comply with the Board's Probation Program, as more  
12 particularly set forth in paragraph 7, subparagraphs a, b, and c, above.


13 **PRAYER**

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
15 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking the probation that was granted by the Board of Registered  
17 Nursing in Case No. 2004-163 and imposing the disciplinary order that was stayed thereby  
18 revoking Registered Nurse License No. 417637 issued to Debra Lynn Lionudakis, also known as  
19 Debra Lynn Lionudakis McDowell; and

20 2. Taking such other and further action as deemed necessary and proper.

21 DATED: 10/18/07  
22

23  
24   
RUTH ANN TERRY, M.P.H., R.N.  
25 Executive Officer  
26 Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
27 Complainant

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**Exhibit A**  
**Decision and Order**  
**Board of Registered Nursing Case No. 2004-163**

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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2004-163

**DEBRA LYNN McDOWELL**  
**aka DEBRA LYNN LIONUDAKIS**

License No. 417637  
Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 17, 2004.  
It is so ORDERED September 17, 2004.

*Sandra L. Strickson* CRNA  
\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General  
of the State of California  
2 DIANA WOODWARD HAGLE, State Bar No. 46181  
Deputy Attorney General  
3 California Department of Justice  
1300 I Street, Suite 125  
4 P.O. Box 944255  
Sacramento, California 94244-2550  
5 Telephone: (916) 324-5330  
Facsimile: (916) 327-8643  
6  
7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2004-163

12 **DEBRA LYNN McDOWELL**  
13 **aka DEBRA LYNN LIONUDAKIS**  
14 **aka DEBRA LYNN TAYLOR-MORENO**  
15 **aka DEBRA LYNN MORENO**  
16 **aka DEBRA LYNN TAYLOR**  
17 **aka DEBRA LYNN LIONUDAKIS-McDOWELL**  
18 4048 Hennings Drive  
Modesto, California 95356

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

19 Registered Nurse License No. 417637

Respondent.

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
24 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Diana  
25 Woodward Hagle, Deputy Attorney General.

26 2. Debra Lynn McDowell (Respondent) is representing herself in this  
27 proceeding and has chosen not to exercise her right to be represented by counsel.

28 3. On or about August 31<sup>st</sup>, 1987, the Board of Registered Nursing issued

1 Registered Nurse License No. 417637 to Debra Lynn McDowell, aka Debra Lynn Lionudakis  
2 (Respondent). The registered nurse license was in full force and effect at all times relevant to the  
3 charges brought in Accusation No. 2004-163 and will expire on February 28<sup>th</sup>, 2005, unless  
4 renewed.

#### 5 JURISDICTION

6 4. Accusation No. 2004-163 was filed before the Board of Registered  
7 Nursing (Board), Department of Consumer Affairs, and is currently pending against respondent.  
8 The Accusation and all other statutorily required documents were properly served on respondent  
9 on January 9, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A  
10 copy of Accusation No. 2004-163 is attached as exhibit A and incorporated herein by reference.

#### 11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations  
13 in Accusation No. 2004-163. Respondent has also carefully read, and understands the effects of  
14 this Stipulated Settlement and Disciplinary Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
18 the right to present evidence and to testify on her own behalf; the right to the issuance of  
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

#### 24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in  
26 Accusation No. 2004-163, save and except the allegation in subparagraph a. of Paragraph 17  
27 [lines 14-16] of the Accusation.

28 9. The admissions made by respondent herein are only for the purposes of

1 this proceeding, or any other proceedings in which the Board or other professional licensing  
2 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

3 10. Had this matter gone to hearing, respondent would have testified and  
4 presented evidence of the following: on some occasions, respondent did not steal drugs, but  
5 rather forgot to write down verbal orders from physicians after administering the medications  
6 ("documentation failures"); in regard to the Fourth Cause for Discipline [use of controlled  
7 substances], respondent's husband had broken her arm and she had a prescription for Dalmane,  
8 which she had taken the night before at least one of her work shifts; and respondent did not use  
9 drugs at work—she took them home and used them to sleep.

10 11. Respondent agrees that her registered nurse license is subject to discipline  
11 and she agrees to be bound by the Board's imposition of discipline as set forth in the  
12 Disciplinary Order below.

#### 13 CONTINGENCY

14 12. This stipulation shall be subject to approval by the Board of Registered  
15 Nursing. Respondent understands and agrees that counsel for complainant and the staff of the  
16 Board of Registered Nursing may communicate directly with the Board regarding this  
17 stipulation and settlement, without notice to or participation by respondent. By signing the  
18 stipulation, respondent understands and agrees that she may not withdraw her agreement or seek  
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board  
20 fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and  
21 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be  
22 inadmissible in any legal action between the parties, and the Board shall not be disqualified  
23 from further action by having considered this matter.

24 13. The parties understand and agree that facsimile copies of this Stipulated  
25 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
26 force and effect as the originals.

27 14. In consideration of the foregoing admissions and stipulations, the parties  
28 agree that the Board may, without further notice or formal proceeding, issue and enter the



1 following Disciplinary Order:

2 **DISCIPLINARY ORDER**

3 IT IS HEREBY ORDERED that Registered Nurse License No. 417637, issued to  
4 Debra Lynn McDowell, is revoked. However, revocation is stayed and respondent is placed on  
5 probation for three (3) years from the effective date of this Decision and Order, on the following  
6 terms and conditions.

7 **Severability Clause.** Each condition of probation contained herein is a separate  
8 and distinct condition. If any condition of this Order, or any application thereof, is declared  
9 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
10 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
11 and enforceable to the fullest extent permitted by law.

12 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
13 A full and detailed account of any and all violations of law shall be reported by Respondent to  
14 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
15 compliance with this condition, Respondent shall submit completed fingerprint forms and  
16 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
17 as part of the licensure application process.

18 **Criminal Court Orders:** If respondent is under criminal court orders, including  
19 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
20 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

21 2. **Comply with the Board's Probation Program.** Respondent shall fully  
22 comply with the conditions of the Probation Program established by the Board and cooperate  
23 with representatives of the Board in its monitoring and investigation of respondent's compliance  
24 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
25 more than 15 days of any address change and shall at all times maintain an active, current  
26 license status with the Board, including during any period of suspension.

27 Upon successful completion of probation, respondent's license shall be fully  
28 restored.

1                   3.     **Report in Person.** Respondent, during the period of probation, shall  
2 appear in person at interviews/meetings as directed by the Board or its designated  
3 representatives.

4                   4.     **Residency, Practice, or Licensure Outside of State.** Periods of  
5 residency or practice as a registered nurse outside of California shall not apply toward a  
6 reduction of this probation time period. Respondent's probation is tolled, if and when she  
7 resides outside of California. Respondent must provide written notice to the Board within 15  
8 days of any change of residency or practice outside the state, and within 30 days prior to re-  
9 establishing residency or returning to practice in this state.

10                   Respondent shall provide a list of all states and territories where she has ever  
11 been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall  
12 further provide information regarding the status of each license and any changes in such license  
13 status during the term of probation. Respondent shall inform the Board if she applies for or  
14 obtains a new nursing license during the term of probation.

15                   5.     **Submit Written Reports.** Respondent, during the period of probation,  
16 shall submit or cause to be submitted such written reports/declarations and verification of  
17 actions under penalty of perjury, as required by the Board. These reports/declarations shall  
18 contain statements relative to Respondent's compliance with all the conditions of the Board's  
19 Probation Program. Respondent shall immediately execute all release of information forms as  
20 may be required by the Board or its representatives.

21                   Respondent shall provide a copy of this Decision to the nursing regulatory  
22 agency in every state and territory in which she has a registered nurse license.

23                   6.     **Function as a Registered Nurse.** Respondent, during the period of  
24 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
25 hours per week for 6 consecutive months or as determined by the Board.

26                   For purposes of compliance with the section, "engage in the practice of registered  
27 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
28 work in any non-direct patient care position that requires licensure as a registered nurse.

1           The Board may require that advanced practice nurses engage in advanced  
2 practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined  
3 by the Board.

4           If Respondent has not complied with this condition during the probationary term,  
5 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
6 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
7 grant an extension of respondent's probation period up to one year without further hearing in  
8 order to comply with this condition. During the one year extension, all original conditions of  
9 probation shall apply.

10           **7. Employment Approval and Reporting Requirements.** Respondent  
11 shall obtain prior approval from the Board before commencing or continuing any employment,  
12 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
13 performance evaluations and other employment related reports as a registered nurse upon  
14 request of the Board.

15           Respondent shall provide a copy of this Decision to her employer and immediate  
16 supervisors prior to commencement of any nursing or other health care related employment.

17           In addition to the above, Respondent shall notify the Board in writing within  
18 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
19 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
20 terminated or separated, regardless of cause, from any nursing, or other health care related  
21 employment with a full explanation of the circumstances surrounding the termination or  
22 separation.

23           **8. Supervision.** Respondent shall obtain prior approval from the Board  
24 regarding respondent's level of supervision and/or collaboration before commencing or  
25 continuing any employment as a registered nurse, or education and training that includes patient  
26 care.

27           Respondent shall practice only under the direct supervision of a registered nurse  
28 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative

1 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
2 are approved.

3 Respondent's level of supervision and/or collaboration may include, but is not  
4 limited to the following:

5 (a) Maximum - The individual providing supervision and/or collaboration is  
6 present in the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in  
8 the patient care unit or in any other work setting at least half the hours respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has  
10 person-to-person communication with respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health  
12 care setting, the individual providing supervision and/or collaboration shall have person-to-  
13 person communication with respondent as required by the Board each work day. Respondent  
14 shall maintain telephone or other telecommunication contact with the individual providing  
15 supervision and/or collaboration as required by the Board during each work day. The individual  
16 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
17 site visits to patients' homes visited by respondent with or without respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's  
19 registry, in any private duty position as a registered nurse, a temporary nurse placement agency,  
20 a traveling nurse, or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse  
22 unless the registered nursing supervision and other protections for home visits have been  
23 approved by the Board. Respondent shall not work in any other registered nursing occupation  
24 where home visits are required.

25 Respondent shall not work in any health care setting as a supervisor of registered  
26 nurses. The Board may additionally restrict respondent from supervising licensed vocational  
27 nurses and/or unlicensed assistive personnel on a case-by-case basis.

28 Respondent shall not work as a faculty member in an approved school of nursing

1 or as an instructor in a Board approved continuing education program.

2 Respondent shall work only on a regularly assigned, identified and predetermined  
3 worksite(s) and shall not work in a float capacity.

4 If respondent is working or intends to work in excess of 40 hours per week, the  
5 Board may request documentation to determine whether there should be restrictions on the  
6 hours of work.

7 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
8 enroll and successfully complete a course(s) relevant to the practice of registered nursing no  
9 later than six months prior to the end of her probationary term.

10 Respondent shall obtain prior approval from the Board before enrolling in the  
11 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
12 completion for the above required course(s). The Board shall return the original documents to  
13 Respondent after photocopying them for its records.

14 11. **Cost Recovery.** The Board's costs associated with its investigation and  
15 enforcement of this case pursuant to Business and Professions Code section 125.3 is no less than  
16 \$14,077.25. The Board waives recovery from respondent of all costs over \$7,000.00.

17 Respondent shall be permitted to pay this \$7,000.00 in a payment plan approved by the Board,  
18 with payments to be completed no later than three months prior to the end of the probation term.

19 If Respondent has not complied with this condition during the probationary term,  
20 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
21 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
22 grant an extension of respondent's probation period up to one year without further hearing in  
23 order to comply with this condition. During the one year extension, all original conditions of  
24 probation will apply.

25 12. **Violation of Probation.** If respondent violates the conditions of her  
26 probation, the Board after giving respondent notice and an opportunity to be heard, may set  
27 aside the stay order and impose the stayed discipline (revocation/suspension) of respondent's  
28 license.

1           If during the period of probation, an accusation or petition to revoke probation  
2 has been filed against respondent's license or the Attorney General's Office has been requested  
3 to prepare an accusation or petition to revoke probation against respondent's license, the  
4 probationary period shall automatically be extended and shall not expire until the accusation or  
5 petition has been acted upon by the Board.

6           13.     **License Surrender.** During respondent's term of probation, if she ceases  
7 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
8 probation, respondent may surrender her license to the Board. The Board reserves the right to  
9 evaluate respondent's request and to exercise its discretion whether to grant the request, or to  
10 take any other action deemed appropriate and reasonable under the circumstances, without  
11 further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent  
12 will no longer be subject to the conditions of probation.

13           Surrender of respondent's license shall be considered a disciplinary action and  
14 shall become a part of respondent's license history with the Board. A registered nurse whose  
15 license has been surrendered may petition the Board for reinstatement no sooner than the  
16 following minimum periods from the effective date of the disciplinary decision:

17           (1)     Two years for reinstatement of a license that was surrendered for any  
18 reason other than a mental or physical illness; or

19           (2)     One year for a license surrendered for a mental or physical illness.

20           14.     **Physical Examination.** Within 45 days of the effective date of this  
21 Decision, respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
22 physician assistant, who is approved by the Board before the assessment is performed, submit an  
23 assessment of the respondent's physical condition and capability to perform the duties of a  
24 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
25 medically determined, a recommended treatment program will be instituted and followed by the  
26 respondent with the physician, nurse practitioner, or physician assistant providing written  
27 reports to the Board on forms provided by the Board.

28           If respondent is determined to be unable to practice safely as a registered nurse,

1 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
2 immediately notify the Board and respondent by telephone, and the Board shall request that the  
3 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
4 shall immediately cease practice and shall not resume practice until notified by the Board.  
5 During this period of suspension, respondent shall not engage in any practice for which a license  
6 issued by the Board is required until the Board has notified respondent that a medical  
7 determination permits respondent to resume practice. This period of suspension will not apply  
8 to the reduction of this probationary time period.

9 If respondent fails to have the above assessment submitted to the Board within  
10 the 45-day requirement, respondent shall immediately cease practice and shall not resume  
11 practice until notified by the Board. This period of suspension will not apply to the reduction of  
12 this probationary time period. The Board may waive or postpone this suspension only if  
13 significant, documented evidence of mitigation is provided. Such evidence must establish good  
14 faith efforts by respondent to obtain the assessment, and a specific date for compliance must be  
15 provided. Only one such waiver or extension may be permitted.

16 **15. Participate in Treatment/Rehabilitation Program for Chemical**  
17 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
18 period or shall have successfully completed prior to commencement of probation a Board-  
19 approved treatment/rehabilitation program of at least six months duration. As required, reports  
20 shall be submitted by the program on forms provided by the Board. If respondent has not  
21 completed a Board-approved treatment/rehabilitation program prior to commencement of  
22 probation, respondent, within 45 days from the effective date of the decision, shall be enrolled  
23 in a program. If a program is not successfully completed within the first nine months of  
24 probation, the Board shall consider respondent in violation of probation.

25 Based on Board recommendation, each week respondent shall be required to  
26 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g.,  
27 Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and  
28 directed by the Board. If a nurse support group is not available, an additional 12-step meeting or

equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

**16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.**

Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

**17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing



1 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
2 to the Board by the program and respondent shall be considered in violation of probation.

3 In addition, respondent, at any time during the period of probation, shall fully  
4 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
5 tests and samples as the Board or its representatives may require for the detection of alcohol,  
6 narcotics, hypnotics, dangerous drugs, or other controlled substances.

7 If respondent has a positive drug screen for any substance not legally authorized  
8 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
9 Board files a petition to revoke probation or an accusation, the Board may suspend respondent  
10 from practice pending the final decision on the petition to revoke probation or the accusation.  
11 This period of suspension will not apply to the reduction of this probationary time period.

12 If Respondent fails to participate in a random, biological fluid testing or drug  
13 screening program within the specified time frame, respondent shall immediately cease practice  
14 and shall not resume practice until notified by the Board. After taking into account documented  
15 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
16 Board may suspend respondent from practice pending the final decision on the petition to  
17 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
18 this probationary time period.

19 18. **Mental Health Examination.** Respondent shall, within 45 days of the  
20 effective date of this Decision, have a mental health examination including psychological testing  
21 as appropriate to determine her capability to perform the duties of a registered nurse. The  
22 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
23 practitioner approved by the Board. The examining mental health practitioner will submit a  
24 written report of that assessment and recommendations to the Board. All costs are the  
25 responsibility of respondent. Recommendations for treatment, therapy or counseling made as a  
26 result of the mental health examination will be instituted and followed by respondent.

27 If respondent is determined to be unable to practice safely as a registered nurse,  
28 the licensed mental health care practitioner making this determination shall immediately notify

1 the Board and respondent by telephone, and the Board shall request that the Attorney General's  
2 office prepare an accusation or petition to revoke probation. Respondent shall immediately  
3 cease practice and may not resume practice until notified by the Board. During this period of  
4 suspension, respondent shall not engage in any practice for which a license issued by the Board  
5 is required, until the Board has notified respondent that a mental health determination permits  
6 respondent to resume practice. This period of suspension will not apply to the reduction of this  
7 probationary time period.

8 If respondent fails to have the above assessment submitted to the Board within  
9 the 45-day requirement, respondent shall immediately cease practice and shall not resume  
10 practice until notified by the Board. This period of suspension will not apply to the reduction of  
11 this probationary time period. The Board may waive or postpone this suspension only if  
12 significant, documented evidence of mitigation is provided. Such evidence must establish good  
13 faith efforts by respondent to obtain the assessment, and a specific date for compliance must be  
14 provided. Only one such waiver or extension may be permitted.

15 ACCEPTANCE

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
17 understand the stipulation and the effect it will have on my registered nurse license. I enter  
18 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
19 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

20 DATED: 6-15, 2004

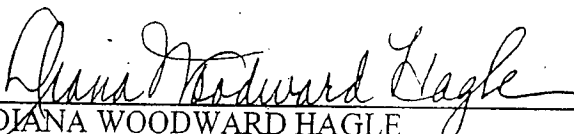
21  
22 Debra Lynn McDowell  
23 DEBRA LYNN MCDOWELL  
24 Respondent  
25  
26  
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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby  
3 respectfully submitted for consideration by the Board of Registered Nursing of the Department  
4 of Consumer Affairs.

5 DATED: June 21<sup>st</sup>, 2004

6 BILL LOCKYER, Attorney General  
7 of the State of California

8   
9 DIANA WOODWARD HAGLE  
10 Deputy Attorney General

11 Attorneys for Complainant  
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ENDING

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**Exhibit B**

**Pain Management Agreement**

**Board of Registered Nursing Case No. 2004-163**

## PAIN MANAGEMENT AGREEMENT

The purpose of this agreement is to prevent misunderstandings about certain medicines you will be taking for pain management. This is to help both you and your doctor to comply with the law regarding controlled pharmaceuticals.

I understand that this Agreement is essential to the trust and confidence necessary in a doctor/patient relationship and that my doctor undertakes to treat me based on this Agreement.

I will communicate fully with my doctor about the character and intensity of my pain, the effect of the pain on my daily life, and how well the medicine is helping to relieve the pain.

I will provide copies of my previous medical records and attend any consultations with other doctors that are requested by my doctor.

I will not use any illegal controlled substances, including marijuana, cocaine, etc.

I will not share, sell or trade my medication with anyone.

I will not attempt to obtain any controlled medicines, including opioid pain medicines, controlled stimulants, or antianxiety medicines from any other doctor.

I will safeguard my pain medicine from loss or theft. Lost or stolen medicines will not be replaced.

I agree that refills of my prescriptions for pain medicine will be made only at the time of an office visit or during regular office hours. No refills will be available during evenings or on weekends.

I agree to use only one pharmacy Kaiser, located at 1414 21st Avenue, CA  
Phone # \_\_\_\_\_ for filling prescriptions for all of my pain medicine.

I authorize my doctor and the pharmacy to cooperate fully with any city, state or federal law enforcement agency, including this state's Board of Pharmacy, in the investigation of any possible misuse, sale, or other diversion of my pain medicine. I authorize my doctor to provide a copy of this Agreement to the pharmacy. I agree to waive any applicable privilege or right of privacy or confidentiality with respect to these authorizations.

I agree that I will submit to a blood or urine test if requested by my doctor to determine my compliance with my program of pain control medicine.

I agree that I will use my medicine at a rate no greater than the prescribed rate and that use of my medicine at a greater rate will result in my being without medicine for a period of time.

I will bring all unused pain medicine with me to every office visit.

I understand that if I break this Agreement, my doctor may stop prescribing these pain-control medicines, and may discharge me from his/her care. To avoid withdrawal symptoms my doctor may taper me off the medicine over a period of several days. Also, a drug-dependence treatment program may be recommended. I agree to follow these guidelines that have been fully explained to me. All of my questions and concerns regarding treatment have been adequately answered. A copy of this document has been given to me.

This Agreement is entered into on this 18<sup>th</sup> day of FEBRUARY, 2004.

Patient signature: Debra McInnell

Physician signature: [Signature]

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**Exhibit A**

**Accusation No. 2004-163**

**COPY**

BILL LOCKYER, Attorney General  
of the State of California  
DIANA WOODWARD HAGLE, State Bar No. 46181  
Deputy Attorney General  
California Department of Justice  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 324-5330  
Facsimile: (916) 327-8643

Attorneys for Complainant

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2004-163

**DEBRA LYNN McDOWELL**  
aka **DEBRA LYNN LIONUDAKIS**  
aka **DEBRA LYNN TAYLOR-MORENO**  
aka **DEBRA LYNN MORENO**  
aka **DEBRA LYNN TAYLOR**  
aka **DEBRA LYNN LIONDAKIS-McDOWELL**

**A C C U S A T I O N**

4048 Hennings Drive  
Modesto, California 95356

Registered Nurse License No. 417637

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

**PARTIES**

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about August 31, 1987, the Board issued registered nurse license number 417637 to Debra Lynn McDowell, also known as Debra Lynn Lionudakis, Debra Lynn Taylor-Moreno, Debra Lynn Moreno, Debra Lynn Liondakiss-McDowell, and Debra Lynn Taylor ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2005, unless renewed.

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1 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
2 license.

3 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
4 entries in any hospital, patient, or other record pertaining to the substances described in  
5 subdivision (a) of this section."

6 6. Section 490 of the Code states:

7 "A board may suspend or revoke a license on the ground that the licensee has been  
8 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties  
9 of the business or profession for which the license was issued. A conviction within the meaning  
10 of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
11 contendere. Any action which a board is permitted to take following the establishment of a  
12 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
13 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
14 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
15 Penal Code."

16 7. Section 125.3 of the Code provides, in pertinent part, that the Board may  
17 request the administrative law judge to direct a licensee found to have committed a violation or  
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
19 and enforcement of the case.

## 20 DRUGS

21 8. "Demerol," a brand of meperidine hydrochloride, a derivative of pethidine,  
22 is a Schedule II controlled substance as designated by Health and Safety Code section 11055,  
23 subdivision (c)(17).

24 9. "Fentanyl" is a Schedule II controlled substance as designated by Health  
25 and Safety Code section 11055, subdivision (c)(8).

26 10. "Phenergan" is a dangerous drug within the meaning of Business and  
27 Professions Code section 4022 in that it requires a prescription under federal law.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime)**

3 11. Respondent is subject to disciplinary action under Code section 2761,  
4 subdivision (f) in that she was convicted of a crime that is substantially related to the  
5 qualifications, functions or duties for which Respondent holds a license, in that on or about  
6 February 21, 2003, in the case of *People v. Debra Lynn McDowell*, (Super. Ct. San Joaquin  
7 County, 2003, No. SF086841A), Respondent was convicted by the Court on her plea of nolo  
8 contendere to violating Health and Safety Code section 11173, subdivision (a) (obtaining  
9 controlled substances by fraud), a misdemeanor.

10 12. Respondent is subject to disciplinary action under Code section 490 in that  
11 she was convicted of a crime that is substantially related to the qualifications, functions or duties  
12 for which Respondent holds a license, as set forth above in paragraph 11.

13 13. The circumstances of the crime were that on or about November 5, 1999,  
14 Respondent willfully, knowingly and unlawfully obtained and attempted to obtain controlled  
15 substances, to wit: Demerol and Fentanyl, and did procure and attempt to procure the  
16 administration of, and prescription for said controlled substances by fraud, deceit and  
17 misrepresentation.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Obtain, Possess and Self-Administer Controlled Substances)**

20 14. Respondent is subject to disciplinary action under Code section 2761,  
21 subdivision (a), on the grounds of unprofessional conduct as defined in Code section 2762,  
22 subdivision (a), in that on and between August 27, 2000, and September 14, 2000, while a  
23 licensed registered nurse at San Joaquin General Hospital, Stockton, California, Respondent did  
24 the following, any one of which, in and of itself, is an independent basis for discipline:

25 a. Obtained Demerol and Fentanyl, controlled substances, by fraud, deceit,  
26 misrepresentation or subterfuge or by the concealment of a material fact, in violation of Health  
27 and Safety Code section 11173, subdivision (a), by taking the waste medication for her own  
28 personal use.

b. Possessed Demerol and Fentanyl, controlled substances, in violation of Code section 4060, in that she did not have a prescription for those controlled substances.

c. Self-administered Demerol and Fentanyl, controlled substances, without direction to do so from a licensed physician and surgeon, dentist or podiatrist.

### THIRD CAUSE FOR DISCIPLINE

**(Falsified, Made Incorrect or Inconsistent Entries in Hospital or Patient Records)**

15. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in section 2762, subdivision (e), of the Code in that on and between August 27, 2000, and September 14, 2000, while employed as a licensed registered nurse at San Joaquin General Hospital, Stockton, California, Respondent falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in hospital or patient records in the following respects:

Patient MR#000781278:

a. On or about September 3, 2000, at 0710 hours, Respondent signed out one (1) tubex of Demerol for administration. The signing out of the medication was inconsistent with physician's orders which did not call for the administration of that medication, and Respondent wasted the medication without obtaining a co-signature.

Patient MR#000766394:

b. On or about September 7, 2000, at 0100 hours, Respondent signed out one (1) 100 mcg. ampule of Fentanyl for administration, but failed to chart the administration on the patient's medication administration record, failed to note any wastage of the medication, and the administration was inconsistent with physician's orders which did not call for the administration of that medication.

c. On or about September 7, 2000, at 0150 hours, Respondent signed out one (1) 100 mcg. ampule of Fentanyl for administration. Respondent charted the administration on the patient's medication administration record, but the signing out of the medication was inconsistent with physician's order which did not call for the administration of that medication.

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1 d. On or about September 7, 2000, at 0210 hours, Respondent signed out one  
2 (1) 100 mcg. ampule of Fentanyl for administration. Respondent charted the administration on  
3 the patient's medication administration record, but the signing out of the medication was  
4 inconsistent with physician's order which did not call for the administration of that medication.

5 Patient MR#000244634

6 e. On or about September 13, 2000, at 2200 hours, Respondent signed out  
7 one (1) 25 mg. tubex of Demerol for administration. Respondent charted the wastage of the  
8 medication on the medication administration record, but failed to obtain a co-signature.

9 f. On or about September 14, 2000, at 0200 hours, Respondent signed out  
10 one (1) 25 mg. tubex of Demerol for administration, but failed to chart the administration on the  
11 patient's medication administration record, failed to note any wastage of the medication, and the  
12 signing out for the administration of the medication was inconsistent with physician's order  
13 which did not call for the administration of that medication.

14 g. On or about September 14, 2000, at 0200 hours, Respondent signed out  
15 one (1) 50 mg. tubex of Demerol for administration, but failed to chart the administration on the  
16 patient's medication administration record, failed to note any wastage of the medication, and the  
17 signing out for the administration of the medication was inconsistent with physician's order  
18 which did not call for the administration of that medication.

19 Patient MR#000782312:

20 h. On or about September 14, 2000, at 0535 hours, Respondent signed out  
21 one (1) 50 mg. tubex of Demerol for administration. Respondent wasted the medication without  
22 obtaining a co-signature.

23 i. On or about September 14, 2000, at 0530 hours, Respondent signed out  
24 one (1) 50 mg. tubex for administration, but failed to chart the administration on the patient's  
25 medication administration record, and the signing out for the administration of the medication  
26 was inconsistent with physician's orders which did not call for the administration of that  
27 medication.

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1 administered the medication to the patients but took it for her own personal use.

2 PRAYER

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
4 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 5 1. Revoking or suspending registered nurse license number 417637, issued to  
6 Debra Lynn McDowell, also known as Debra Lynn Lionudakis;
- 7 2. Ordering Debra Lynn McDowell to pay the Board of Registered Nursing  
8 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
9 Professions Code section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: 12/31/03

12   
13 RUTH ANN TERRY, M.P.H., R.N.  
14 Executive Officer  
15 Board of Registered Nursing  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant

19 SA2003101261

20 Accusation (kdg) 12/18/03

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